

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

JAMES A. WALMSLEY,

Civ. No. 1:16-cv-01551-CL

Plaintiff,

ORDER

v.

RCO LEGAL, P.C.; DOES 1-25, employees
of RCO Legal, P.C.; TONY KULLEN;
DEUTSCHE BANK TRUST
COMPANY AMERICAS, as trustee for
Rali 2007-QA3, its successor in
interest and/or assigns; OCWEN LOAN
SERVICING; STEVEN L. HARRIS;
and JOHN DOE 1-10,

Defendants.


CLARKE, Magistrate Judge.

On August 1, 2016, Plaintiff James M. Walmsley, appearing *pro se*, filed a complaint (#1). The defendants later filed motions to dismiss. (#15, # 17 & # 18). On November 18, 2016, the Court provided the plaintiff with a Motion to Dismiss Advice Notice (#23), informing the plaintiff of the parameters of a Rule 12(b) motion. The notice also informed the plaintiff that his

response to the defendants' motions to dismiss was due December 22, 2016. Ten days after the advice notice was sent, the defendants moved to extend the pretrial schedule (#26), stating that the defendants had received information from the plaintiff's prior counsel that the plaintiff may be deceased. The defendants had been unable to verify this account, however, and ask for the extension in order to confirm the plaintiff's death and/or to allow the plaintiff's estate time to consider how they wished to proceed.

The plaintiff did not respond to the defendants' motions to dismiss by the December 22 deadline, and neither the defendants nor the Court has been able to successfully contact the plaintiff. Indeed, to date, no communication from the plaintiff to the Court has been received. Therefore, it is ordered that this matter is dismissed without prejudice for failure to prosecute. The Court will enter judgment accordingly.

It is so ORDERED and DATED this 18 day of January, 2017.



MARK D. CLARKE
United States Magistrate Judge